Proceedings of the Government of His Highness the Maharaja of Mysore, Petition, dated 15th April 1904.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appeal No. 31 of 1903-04.

Appellants	*Versus*	*Respondents*
1. Mahadevia 2. Nanjappana Sidda 3. Lingannia and other residents of Kittanakere, Arsikere Taluk		Ramasastri

Subject.

Appeal against the order of the Deputy Commissioner of the Hassan District, directing the grant to the respondent of Survey No. 150 of Kanakatte and Survey No. 114 of Kittanakere in the Arsikere Taluk, for an upset price.

Facts of the Case.

In February 1902, the respondent applied for Survey Nos. 110, 111, 113 and 114 of Kittanakere village. But the application was rejected on the ground that these lands had been included in the list of date groves. Thereupon the respondent renewed his application stating that the lands were not useful to the Excise Department being extensively covered with prickly-pear and that in consequence, the date trees thereon had not been tapped for upwards of 10 years. On a reference thereupon made to the Excise Department, the Excise Commissioner directed the removal from the list of Survey No. 114 of Kittanakere and No. 150 of Kanakatte. The Assistant Commissioner in charge of the Taluk thereupon ordered in November 1902 that these lands might be sold in public auction. At the same time, the respondent prayed for the grant of the lands to himself for an upset price on the ground that the removal of the prickly-pear would entail a heavy cost. The appellants prayed that the lands might be sold. The Amildar personally inspected the lands in December 1902, got the lands valued by the villagers of both the villages at Rs. 544-8-0 for Survey No. 150 and at Rs. 263 for No. 114 and recommended the grant of the respondent's prayer. The Deputy Commissioner thereupon directed the grant to the respondent for the price fixed by the panchayat as above. Hence the complaint.

Decision.

The lands in question were valued by the panchayatdars at Rs. 544-8-0 and Rs. 263 respectively. The Deputy Commissioner, in exercise of the discretion vested in him by Section 60 of the Revenue Regulation and Rule 49 of the Revenue Rules, granted the lands to the respondent for an upset price, *i. e.*, for the full amount at which they had been valued by the panchayat. The respondent has admittedly entered upon the possession of the lands in pursuance of the grant. Government see no reason to hold that the Deputy Commissioner did not exercise his discretion judiciously and in public interests. That being so, they are not prepared to cancel the grant made in accordance with law, and to direct the disposal of the lands by public auction as prayed for by the petitioners. The appeal is accordingly rejected.

No. 1278—P. F. 147-03, DATED BANGALORE, 15TH APRIL 1904.

Copy of the above is forwarded to the Deputy Commissioner, Hassan District, together with the records received with his letter No. 115, dated 19th August 1903.

Proceedings of the Government of His Highness the Maharaja of Mysore, Petition, dated 2nd May 1904.

Appeal No. 112 of 1903-04.

Appellants	*Versus*	*Respondent*
1. Channiga 2. Kadiriga (plaintiffs)		Venkatiga (defendant).

Subject.

Claim to the toti office of Jalige village, Devanhalli Taluk.

The facts of the case appear sufficiently from the following :—

Decision.

The 1st and 2nd plaintiffs are father and son, respectively. The 1st plaintiff was a hakdar toti and nirganti equally with one Bida. He left the village so far back as in 1874. Bida died about that time and was succeeded by his son and widow, both of whom died shortly after. After a brief period during which a stranger was doing the duties of the said two offices at the

instance of the villagers, the respondent and his mother claimed the offices and obtained possession. The respondent has since had the exclusive enjoyment of the office of toti. In 1891 he relinquished the other office of nirganti and the 1st appellant was thereupon sent for from a different taluk where he was residing and given charge of that office. He now seeks to oust the respondent from the office of toti—an office of which the respondent has been in uninterrupted possession in his own right, whether as a distant relation of Bida or as his adopted son, for over twenty years past. Government are of opinion that this claim cannot be admitted. In this view it does not seem quite necessary to go into the question of the exact relationship between Bida and the respondent and of the alleged adoption of the latter by the former. The Deputy Commissioner has very properly declined to remove the respondent and put the appellants in possession. There are no grounds for interference. The appeal is therefore dismissed.

No. 1373—P. F. 166-03, DATED BANGALORE, 2ND MAY 1904.

Copy of the above is forwarded to the Deputy Commissioner, Bangalore District, with the remark that the omission on the part of his office to send up the appellate records in this case and inattention to the orders of Government contained in Government Order No. 5062-96—P. 468, dated 15th September 1893, regarding the arrangement of the vernacular records are unsatisfactory. The records of the Assistant Commissioner's Court received with the Deputy Commissioner's letter No. 794, dated the 4th March 1904, are herewith returned.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.